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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 GREGORY TYREE BROWN,

11 Plaintiff,

12 v.

13 DEVON SCHRUM *et al.*,

14 Defendants.
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Case No. C08-5326RBL/JKA

ORDER ADOPTING REPORT
AND RECOMMENDATION

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17 The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley
18 Arnold, objections to the report and recommendation [Dkt. #28], and the remaining record, does hereby
19 find and ORDER:

- 20 (1) The Court adopts the Report and Recommendation;
- 21 (2) All claims involving the Washington State Penitentiary, and the April 25, 2005, visit to the
22 Washington State Reformatory clinic are time Barred. In addition, claims against
defendants Quinn and Schrum fail to state a claim. These claims are **DISMISSED WITH
PREJUDICE.**
- 23 (3) The remaining two claims, one for delay in obtaining treatment and one for denial of the
24 requested surgery survive this initial summary judgment motion. Plaintiff is entitled to
proceed with discovery. These claims may be subject to further dispositive motions.
- 25 (4) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendants, and
26 to the Hon. J. Kelley Arnold.

27 DATED this 23RD day of March, 2009.

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RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE